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09/777,889	02/07/2001	Joseph M. Cannon	Cannon 112-102	3320

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EXAMINER
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BEHULU, ALEMAYEHU

ART UNIT	PAPER NUMBER
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2682

8

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/777,889

Applicant(s)

CANNON ET AL.

Examiner

Alemayehu Behulu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 8.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 40-43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 40-43, the fact claim 40 depends forward on claim 41, makes claim 40-43 indefinite. The office suggests that claims 40-43 depend on claim 39. The office treated claims 40-43 as they depend on claim 39.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-8, 19-27, 30-37, 39-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuskada (U.S. Patent No. 4, 640, 987).

Regarding claim 1, Tuskada discloses a method of answering an incoming call at a cordless telephone (figures 1, 4, 5, 7 abstract, column 3, lines 1-51) comprising the steps of: a first party answering the incoming call at a handset of the cordless telephone (column 2, lines 56-60), the handset being at a location separate from a base unit of the

cordless telephone (figure 1, number 1); the first party alerting a second party, by initiating an intercom connection between the handset and the base unit, while the incoming call is automatically placed in a hold status (column 16, lines 20-26, figure 4, number 232); and the second party accepting the incoming call at the base unit by terminating the hold status (column 16, lines 3-14).

Regarding claim 2, Tuskada discloses a method as in claim 1, wherein the first party accepts the incoming call by terminating the hold status (column 15, lines 8-22).

Regarding claim 3, Tuskada discloses a method of answering an incoming call at a cordless telephone (figures 1, 4, 6, 7 abstract, column 3, lines 1-51) comprising the steps of: a first party answering the incoming call at a base unit of the cordless telephone (column 2, lines 56-60), a handset being at a location separate from the base unit of the cordless telephone (figure 1, number 1); the first party alerting a second party, by initiating an intercom connection between the base unit and the handset, while the incoming call is automatically placed in a hold status (column 15, lines 7-16); and the second party accepting the incoming call at the handset by terminating the hold status (column 15, lines 16-22).

Regarding claim 4, Tuskada discloses a method as in claim 3, wherein the first party accepts the incoming call by terminating the hold status (column 16, lines 3-26).

Regarding claim 6, Tuskada discloses a cordless telephone system (figure 1) comprising: a base station including first control circuitry for controlling operations at said base station (column 4, lines 17-23, figure 4); and at least one cordless telephone handset for communicating with said base station (figure 1, number 1), each including second control circuitry for controlling operations at said handset (column 4, lines 13-16 and 24-28, figure 3); said first and second control circuitry operating in response to initiation of an intercom communication at one of said base station and handset to place an active call at least one of said base station and handset on hold during said intercom communication (figures 5, 6, 7 and figure 4, number 232).

Regarding claim 7, Tuskada discloses the system as in claim 6, wherein said first control circuitry causes said active call to be placed on hold when said intercom communication is initiated during said active call and initiates said intercom communication between said base station and said handset (column 15, lines 8-22).

Regarding claim 8, Tuskada discloses the system as in claim 7, wherein said first control circuitry causes an active call to be re-engaged when said base unit or said handset terminates said intercom communication (column 15, lines 38-53 and column 16, lines 35-42).

Regarding claim 19, Tuskada discloses a method of claim 1, step of initiating an intercom connection between the handset (column 15, lines 38-53) and the base unit comprises activating an intercom initiator on handset (column 15, lines 54-69).

Regarding claim 20, Tuskada discloses a method of claim 1, step of alerting a second party comprises sending an intercom connection request from handset to base unit (column 16, lines 20-26).

Regarding claim 21, Tuskada discloses a method of claim 1, comprising step of initiating an intercom connection between the handset and the base unit by sending and end intercom signal from handset to base unit (column 16, lines 35-49).

Regarding claim 22, Tuskada discloses a method as in claim 21, step of sending an end intercom signal from handset comprises activating an intercom control at handset (column 16, lines 35-41).

Regarding claim 23, Tuskada discloses a method of claim 1, step of the second party accepting the incoming call at the base unit by terminating the hold status further comprises activating a telephone line control on base unit (column 16, lines 3-9 and 20-23).

Regarding claim 24 and 25, Tuskada discloses a method as in claim 3, step of initiating an intercom communication between the base unit and the handset comprises sending an intercom communication request signal from base unit to at least handset (column 15, lines 8-16).

Regarding claim 26, Tuskada discloses a method as in claim 3, comprising terminating step of initiating an intercom connection between the base unit and the handset by activating an intercom initiator at base unit (column 15, lines 23-32).

Regarding claim 27, Tuskada discloses a method as in claim 26, intercom initiator at base unit comprises an intercom control switch (figure 4, 253 and column 15, lines 23-32).

Regarding claim 30, Tuskada discloses a cordless telephone handset (figure 1, number 1, figures 3, 5, 7 and column 4, lines 13-16, and 24-30) comprising: a controller (figure 3, number 140), a speaker/microphone (figure 3, number 128), a transceiver (figure 3, number 100); and an intercom control portion (figure 3, number 153), intercom control portion being actuatable during an active call connection with handset to send a signal to controller, controller in response to signal sending a first intercom control signal through transceiver to a cordless telephone base station (figures 1, 3, column 16, lines 3-9); active call is placed on hold and an intercom communication is requested between handset and base station when first intercom control signal is sent by handset during active call (column 16, lines 3-9 and lines 20-26).

Regarding claim 31, Tuskada discloses a cordless telephone handset as in claim 30, first control signal is an intercom initiation signal (column 16, lines 3-9).

Regarding claim 32 and 33, Tuskada discloses a cordless telephone handset as in claim 30, wherein an intercom communication connection is established when handset receives a second intercom control signal from base station (column 15, lines 8-16).

Regarding claim 34 and 35, Tuskada discloses a cordless telephone handset as in claim 32, wherein controller terminates intercom communication request between handset and base station by send an end intercom signal from handset to base station (column 16, lines 35-41).

Regarding claim 36, Tuskada discloses a cordless telephone handset as in claim 32, wherein controller causes active call to be re-engaged and intercom communication connection to end when an active telephone line control of handset is activated during intercom communication connection or a third intercom control signal is sent by handset to base station during intercom communication connection (column 16, lines 49-55).

Regarding claim 37, Tuskada discloses a cordless telephone handset as in claim 36, wherein third intercom signal is an end intercom signal (column 16, lines 49-55).

Regarding claim 39, Tuskada discloses a cordless telephone base station (figure 1, number 2, figures 4, 6, 7 and column 4, lines 16-23) comprising: a controller (figure 4, number 240), a speaker/microphone (column 4, lines 11-17), a transceiver (figure 4, number 200); and an intercom control portion (figure 4, number 253), intercom control portion being actuatable during an active call to send a signal to controller, controller in



response to signal sends a first intercom control signal through transceiver to a cordless telephone handset (figures 1, 4, 7 column 15, lines 8-15); active call is placed on hold and an intercom communication is requested between base station and handset when first intercom control signal is sent by base station during active call (column 15, lines 8-16).

Regarding claim 40, Tuskada discloses a cordless telephone handset as in claim 39, first control signal is an intercom initiation signal (column 15, lines 13-15).

Regarding claim 41 and 42, Tuskada discloses a handset as in claim 39, wherein an intercom communication connection is established when base station receives a second intercom control signal from handset (column 16, lines 20-26).

Regarding claim 43, Tuskada discloses a base station as in claim 39, base station further comprises a telephone line control (figure 4, number 240), controller causes active call to be re-engaged and intercom communication connection to end when telephone line control is activated during intercom communication connection (column 15, lines 23-53).  
or a third intercom control signal is sent by base station to handset during active call (column 15, lines 54-66).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 15, 17, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nealon (U.S. Patent No. 5, 463, 659) in view of Becker (U.S. Patent No. 4, 731, 814).

Regarding claim 5, Nealon discloses a method of answering an incoming call at a cordless telephone with multiple handsets (figure 1, numbers 20, 30, 40, figure 5, numbers 30, 40) comprising the steps of: a first party answering the incoming call at the first handset of the cordless telephone (column 3, lines 5-16), the second handset being at a location separate from a base unit of the cordless telephone and said first handset (figure 1, numbers 20, 30, 40, figure 5, numbers 30, 40); the first party alerting a second party, by initiating an intercom connection between said first handset and said second handset (column 10, lines 6-10). However, Nealon fails to disclose that the incoming call is automatically placed in a hold status; and accepting the incoming call at the handset by terminating the hold status. But, Becker discloses the incoming call is automatically placed in a hold status; and accepting the incoming call at the handset by terminating the hold status (column 11, lines 18-28). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Nealon (U.S. Patent No. 5, 463, 659) with Becker (U.S. Patent No. 4, 731, 814) in order to transfer an incoming call to more than one handsets, in other rooms/locations without dropping the call.

Regarding claim 15, Nealon discloses a cordless telephone base station (figures 1 and 2, number 10) comprising: a controller (figure 2, number 110) ; a transceiver (figure 2, number 140); and an intercom initiator (column 10, lines 58-63), intercom initiation signal is received from a handset (column 10, lines 42-53). However, Nealon fails to disclose wherein when an intercom initiation signal is received from a handset during an active call, said active call is placed on hold and an intercom communication is initiated; wherein when said intercom initiator is activated during an active call, said active call is placed on hold and an intercom communication is initiated. But, Becker discloses when an intercom initiation signal is received during an active call, said active call is placed on hold and an intercom communication is initiated; wherein when said intercom initiator is activated during an active call, said active call is placed on hold and an intercom communication is initiated (column 11, lines 18-28). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Nealon (U.S. Patent No. 5, 463, 659) with Becker (U.S. Patent No. 4, 731, 814) in order to able to communicate internally between the handset and base station even when the call is up via external line.

Regarding claim 17, Nealon discloses a cordless telephone handset (figure 2, number 20) comprising: a controller; a speaker/microphone (figure 2, number 281, 282); a transceiver (figure 2, number 240); and an intercom initiator (figure 2, number 260, column 5, lines 32-37), intercom communication is initiated with at least base station (column 10, lines 42-55). However, Nealon fails to disclose intercom initiator is activated during an active call, said active call is placed on hold; wherein when an intercom

initiation signal is received during an active call, said active call is placed on hold and an intercom communication is initiated. But, Becker discloses intercom initiator is activated during an active call, said active call is placed on hold; wherein when an intercom initiation signal is received during an active call, said active call is placed on hold and an intercom communication is initiated (column 11, lines 18-44). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Nealon (U.S. Patent No. 5, 463, 659) with Becker (U.S. Patent No. 4, 731, 814) in order to able to communicate internally between the handset and base station even when the call is up via external line.

Regarding claim 28, the combination of Nealon and Becker disclose a method as in claim 5, step of alerting a second party comprises sending an intercom connection request signal from first handset to at least second handset (see Nealon column 10, lines 6-11).

Regarding claim 29, the combination of Nealon and Becker disclose a method as in claim 5, comprising terminating step of initiating an intercom connection between first handset and second handset by activating an intercom control on first handset (see Nealon column 10, lines 31-37).

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuskada (U.S. Patent No. 4, 640, 987) in view of Yamagata (U.S. Patent No 5, 296, 766).

Regarding claim 38, Tuskada discloses a cordless handset as in claim 32, intercom communication connection to end when and end intercom signal is received from base station during intercom communication connection (column 15, lines 23-33). However, Tuskada fails to explicitly disclose wherein controller causes active call to be terminated with handset. But, Yamagata discloses controller causes active call to be terminated with handset (column 10, lines 10-18). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Tuskada (U.S. Patent No. 4, 640, 987) with of Yamagata (U.S. Patent No 5, 296, 766) because the user does not have to go to the base station to terminate a call.

5. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuskada (U.S. Patent No. 4, 640, 987) in view of Nealon (U.S. Patent No. 5, 463, 659).

Regarding claim 9, Tuskada discloses a cordless telephone system (figure 1) comprising: a base station including first control circuitry for controlling operations at said base station (column 4, lines 17-23, figure 4), to place an active call on hold during said intercom communication (column 15, lines 8-17, column 16, lines 20-26). However, Tuskada fails to disclose at least a first and second cordless telephone handsets for communicating with said base station including second and third control circuitry for controlling operations at said first and second handsets respectively; said first, second and third control circuitry operating in response to initiation of an intercom communication at said base station or one of said first and second handsets. But, Nealon discloses at least a

first and second cordless telephone handsets for communicating with said base station (figure 1, numbers 10, 20, 30, 40) including second and third control circuitry for controlling operations at said first and second handsets respectively (figure 2, number 20 and column 3, lines 17-23), said first, second and third control circuitry operating in response to initiation of an intercom communication at said base station or one of said first and second handsets (column 10, lines 6-10, lines 42-44, and lines 58-66). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Tuskada (U.S. Patent No. 4, 640, 987) with Nealon (U.S. Patent No. 5, 463, 659) in order to transfer an incoming call to more than one handsets, in other rooms/locations without dropping the call.

Regarding claim 10, the combination of Tuskada and Nealon disclose the system as in claim 9, wherein said first control circuitry causes said active call to be placed on hold when an intercom communication is initiated during said active call and initiates said intercom communication between said base station and said at least a first (see Tuskada column 15, lines 8-18) and second handsets (see Nealon figure 1, numbers 30, 40, column 10, lines 58-66)).

Regarding claim 11, the combination of Tuskada and Nealon disclose the system as in claim 10, wherein said first control circuitry causes an active call to be re-engaged when said base unit or one of said at least a first (see Tuskada column 15, lines 38-53 and column 16, lines 35-42) and second handsets terminates said intercom communication (see Nealon figure 1 and column 10, lines 6-11).

Regarding claim 12, Tuskada discloses a cordless telephone system comprising a base station including first control circuitry for controlling operations at said base station (column 4, lines 17-23, figure 4) and separate intercom buttons for each handset (figure 3, number 153, column 16, lines 3-10, column 4, lines 13-16 and 24-28, figure 3); to place an active call on hold during said intercom communication (column 15, lines 8-17, column 16, lines 20-26), separate intercom button for said base station (figure 4, number 253, column 15, lines 8-15), said first, second control circuitry operating in response to initiation of an intercom communication at said base station (column 15, lines 8-15).

However, Tuskada fails to disclose at least a first and second cordless telephone handsets for communicating with said base station including second and third control circuitry for controlling operations at said first and second handsets respectively and a separate intercom button for said base station and each other of said handsets; said first, second and third control circuitry operating in response to initiation of an intercom communication at one of said base station and said first and second handsets. But, Nealon discloses at least a first and second cordless telephone handsets for communicating with said base station (figure 1, numbers 10, 20, 30, 40) including second and third control circuitry for controlling operations at said first and second handsets respectively (figure 2, number 20 and column 3, lines 17-23) and a separate intercom button for each other of said handsets (figure 4, number 401, column 3, lines 17-23); said third control circuitry operating in response to initiation of an intercom communication at one of said base station and said first and second handsets (column 3, lines 11-23 and column 10, lines 6-10 and lines 42-44). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Tuskada (U.S. Patent No. 4, 640, 987)

with Nealon (U.S. Patent No. 5, 463, 659) in order to transfer an incoming call to more than one handsets, in other rooms/locations without dropping the call.

Regarding claim 13, the combination of Tuskada and Nealon disclose the system as in claim 12, wherein said first control circuitry causes said active call to be placed on hold when an intercom communication is initiated during said active call and initiates an intercom communication between said base station and said at least a first handset (see Tuskada column 15, lines 8-18) and second handsets (see Nealon figure 1, numbers 30, 40, column 10, lines 58-66).

Regarding claim 14, the combination of Tuskada and Nealon disclose the system as in claim 13, wherein said first control circuitry causes an active call to be re-engaged when said base station or one of said at least a first and second handsets terminates said intercom communication (see Tuskada column 15, lines 38-53).

6. Claims 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nealon (U.S. Patent No. 5, 463, 659) and Becker (U.S. Patent No. 4, 731, 814) as applied to claim 15 above, and further in view of Tuskada (U.S. Patent No. 4, 640, 987).

Regarding claim 16, the combination of Nealon and Becker disclose a base station as in claim 15, wherein said controller causes intercom initiator is activated during an active call or an intercom initiation signal is received during an active call (see Becker column 11, lines 18-28), intercom initiation signal is received from handset (see Nealon column



10, lines 42-53). However, Nealon and Becker fail to disclose controller causing an active call to be re-engaged and causes said intercom communication to end. But Tuskada discloses controller causing an active call to be re-engaged and causes said intercom communication to end (column 15, lines 38-53). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Nealon (U.S. Patent No. 5, 463, 659) and Becker (U.S. Patent No. 4, 731, 814) with Tuskada (U.S. Patent No. 4, 640, 987) in order to complete the call in a right manner as opposed to dropping the call disruptively.

Regarding claim 18, the combination of Nealon and Becker disclose a cordless telephone handset as in claim 17. However, Nealon and Becker fail to disclose controller causes said active call to be re-engaged and said intercom communication to end when said intercom initiator is activated during said intercom communication or an intercom initiation signal is received during said active call. But, Tuskada discloses controller causes said active call to be re-engaged and said intercom communication to end when said intercom initiator is activated during said intercom communication or an intercom initiation signal is received during said active call (column 16, lines 20-41) in order to complete the call in a right manner as opposed to dropping the call disruptively.

*Response to Arguments*

7. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

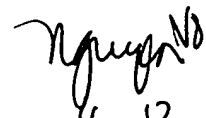
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

  
4-12-2004

NGUYENT.VO  
PRIMARY EXAMINER